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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,276	07/10/2003	Alan J. Wegleitner	TI-35567	2454

23494 7590 02/09/2005

TEXAS INSTRUMENTS INCORPORATED  
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DALLAS, TX 75265

EXAMINER
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GARLAND, STEVEN R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding..

## Office Action Summary

**Application No.**

10/617,276

**Applicant(s)**

WEGLEITNER ET AL.

**Examiner**

Steven R Garland

**Art Unit**

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/20/03, 7/10/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hekmatpour 5,644,686.

Hekmatpour 5,644,686 teaches a system for training and certification in manufacturing. Hekmatpour also teaches the use of a user profile database which includes the employee names, employee number, authority level, prohibiting access to materials and/or tools based on certification level ( col. 28, lines 43-50 and col. 28, line 58 to col. 29, line 9), certifications associated with different tools, updating, and semiconductor manufacturing, See the abstract; figures; col. 6, lines 16-27; col. 8, lines 11-32; col. 20, lines 35-65; col. 26, lines 44-67; col. 27, lines 17-55; col. 28, line 37 to col. 29, line 60. Note figures 12, 17, 20, 21, col. 27, lines 44-55; col. 28, line 37 to col. 29, line 60; col. 31, lines 50-62; and the claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2125

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3-6, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hekmatpour 5,644,686 in view of Bly et al. 2002/0087345.

Hekmatpour 5,644,686 teaches a system for training and certification in manufacturing. Hekmatpour also teaches the use of a user profile database which includes the employee names, employee number, authority level, prohibiting access to materials and/or tools based on certification level ( col. 28, lines 43-50 and col. 28, line 58 to col. 29, line 9), certifications associated with different tools, updating, and semiconductor manufacturing, See the abstract; figures; col. 6, lines 16-27; col. 8, lines 11-32; col.20, lines 35-65; col. 26, lines 44-67; col. 27, lines 17-55; col. 28, line 37 to col. 29, line 60. Note figures 12,17, 20,21, col. 27, lines 44-55;col. 28, line 37 to col. 29, line 60; col. 31, lines 50-62; and the claims.

Hekmatpour however does not specifically state that a server is used or that bar coding is used.

Bly et al. 2002/0087345 teaches a system for training and certification tracking. Bly also teaches that the system can limit access, use of a sever, acquiring data from the user or asset, updating records, use of a user code, access card, and key code ,

Art Unit: 2125

See the abstract; figures; paragraphs 0003, 0011, 0014, 0036,0046, 0054, 0058, 0067, 0091, 0094, 0095, 0096, 0097, 0099, and paragraph 0144 on.

It would have been obvious to one of ordinary skill in the art to modify Hekmatpour in view of Bly and use a server to store the data so that the data could be shared with the multiple workstations or over the Internet.

Further it would have been obvious to one of ordinary skill in the art to modify Hekmatpour in view of Bly and use coding such as a bar code on an access card to control access to the different tools. This would simplify identification of the user and allow ease in input of the identification information.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, lines 4-5 are indefinite as to what is being claimed. In particular it is uncertain as to what the limitation " the means for processing in real time format to ensure only qualified personnel are allowed to process customer materials " means without undue speculation.

8. Due to the speculation required no art rejection is applied to claim 15. See In re Steele 134 USPQ 292.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ward et al. 2003/0029383 is of interest in tool qualification.

Art Unit: 2125

Hollingsworth 6,157,808 teaches employee training, identifying the qualifications of an employee, use of a server and database, and updating the database. See col. 2, lines 43-49; col. 3, lines 33-40; col. 6, lines 1-41; and col. 7, lines 13-40.

Keller et al. 2004/0225390 teaches the use of an employee database which may comprise employee training, certification, and access level. See paragraph 0041.

Delfing 2004/0241627 teaches a computer aided training and certification method and which also serves to control jobsite access to only those qualified, use of a database, storing pertinent information such as security information, certifications, use of a badge, scanning a badge. See paragraphs 0001,0007-0010,0011, and the claims of the priority 60/456688 application.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached at (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/617,276

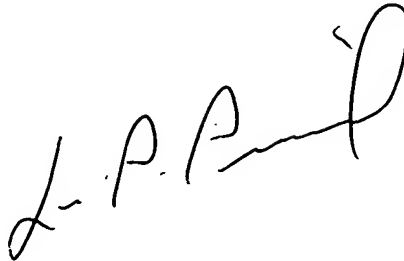
Page 6

Art Unit: 2125

you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

*520*

STEVEN GARLAND

A handwritten signature in black ink, appearing to read "L. P. Picard". The signature is fluid and cursive, with a large loop at the end.

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100